

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 25-MJ-02303-DLM

GREGORY VANDENBERG,

Defendant.

**RESPONSE TO GOVERNMENT'S MOTION TO EXTEND PRELIMINARY HEARING**

COMES NOW, Defendant, GREGORY VANDENBERG, by and through attorney of record, Daniel Rubin, and hereby responds to the Government's Motion to Extend the Preliminary Hearing. Doc. 7.

Federal Rule of Criminal Procedure 5.1 entitles Mr. Vandenberg to a preliminary hearing. He wants to exercise his due process rights and have the preliminary hearing. The purpose of a preliminary hearing is to ensure that there is probable cause to believe an offense has been committed and the defendant committed it. If the Magistrate Judge finds there is no probable cause, the Judge must dismiss the complaint and discharge Mr. Vandenberg.

It is presumed by the Government and Mr. Vandenberg that he will have his preliminary hearing on Thursday morning, July 10<sup>th</sup>. The Government has asked for a one-day extension because it intends to indict Mr. Vandenberg and, if it is successful in doing so, such indictment would obviate the need for a preliminary hearing.

The Government's argument rests solely on saving time and resources. Mr. Vandenberg presumes those are time and resources of the Government and, potentially, the Court. Mr. Vandenberg's right to a preliminary hearing though is not dependent on the Government's time and resources.

Mr. Vandenberg requests the Court deny the Government's Motion and he be allowed to have his preliminary hearing on Thursday morning, July 10<sup>th</sup>.

Respectfully submitted,

/s/ Daniel Rubin  
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July 8, 2025  
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